

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FARNAM STREET FINANCIAL, INC.,

Plaintiff,

v.

ORDER

Civil File No. 15-119 (MJD/JSM)

DATASOFT NETWORKS, INC.,

Defendant.

Donald T. Campbell and Phillip J. Ashfield, Stinson Leonard Street LLP, Counsel for Plaintiff.

Carl E. Christensen and Daniel M. Eaton, Christensen Law Office, PLLC, Counsel for Defendant.

This matter is before the Court on Plaintiff Farnam Street Financial, Inc.'s Motion for Entry of Default Judgment. [Docket No. 9] The Court heard oral argument on October 16, 2015. At the conclusion of the October 16 hearing, the Court orally denied Plaintiff's motion and granted Defendant DataSoft Networks, Inc. two weeks to file an Answer.

Defendant has recently retained counsel, who has now made an appearance in this matter. Defendant's position is that this lawsuit was settled

by the parties and that Plaintiff has already accepted payment under the settlement agreement, waiving its right to pursue judgment in this lawsuit. Because judgment by default is disfavored; Defendant has raised the possibility of a meritorious defense; at this point, Defendant's actions do not appear blameworthy; and Plaintiff will not be prejudiced by continuation of this lawsuit, the Court will set aside the entry of default and deny the request for default judgment.

In accordance with the Court's oral order on October 16, 2015, **IT IS HEREBY ORDERED:**

1. Plaintiff Farnam Street Financial, Inc.'s Motion for Entry of Default Judgment [Docket No. 9] is **DENIED**.
2. The Clerk's Entry of Default entered February 13, 2015 [Docket No. 8] is **VACATED**.
3. Defendant DataSoft Networks, Inc. shall file an Answer to the Complaint by Friday, October 30, 2015.

Dated: October 21, 2015

s/ Michael J. Davis

Michael J. Davis

United States District Court